

**REMARKS**

These remarks are submitted in response to the Office Action of October 3, 2002. In the Office Action, the Examiner withdrew the previous indication of allowability for claim 9. The Examiner also rejected claims 1, 7, 8, 11, 14, 15, 16, 19, 28, 31, 32, 34, 37, 39, 41 and 46 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,692,140 to Olson ("Olson") and rejected claims 9, 32 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Olson in view of U.S. Patent 4,764,165 to Reimels et al. ("Reimels"). The Examiner also objected to claim 21 because of a typographical error in the claim and objected to claim 17 as being dependent upon a rejected base claim. Finally, the Examiner rejected claims 1-13, 16, 18-36, and 41-48 for indefiniteness under 35 U.S.C. § 112, second paragraph. However, the Examiner indicated claims 2-6, 10, 12, 13, 18, 20, 22-27, 29, 30, 33, 35, 36, 38, 40, 42, 43, 45 and 47 would be allowable if rewritten: (1) into independent form to include all of the limitations of their respective base claims and intervening claims; and (2) to overcome their respective indefiniteness rejections.

In accordance with the Examiner's instructions, Applicants have amended claims 2, 10, 25, 42 and 45: (1) into independent form to include all of the limitations of their respective base claims and intervening claims; and (2) to overcome their respective indefiniteness rejections. It is respectfully submitted that independent claims 2, 10, 25, 42 and 45 are now allowable.

Applicants have also amended claims 3-9, 11-13, 26-27, 43-44, and 46-48 to depend on allowable independent claims 2, 10, 25, 42 and 45, respectively. All of these dependent claims have been amended to overcome their respective indefiniteness rejections. Thus, it is respectfully submitted that dependent claims 3-9, 11-13, 26-27, 43-44, and 46-48 are now allowable.

In response to the 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) rejections, Applicants have offered arguments based on limitations already existing in independent claims 14, 28 And 37, which distinguish these claims and their respective dependent claims 15-20, 29-36, and 38-40 over the cited art. All of these claims have been amended to overcome their respective indefiniteness rejections. Therefore, it is respectfully submitted that claims 14-20, 28-36, and 37-40 are now allowable.



Applicants have amended claim 21 to correct its informality and to overcome its rejection under 35 U.S.C. § 112, second paragraph. Thus, it is respectfully submitted that independent claim 21 and dependent claim 24 are now allowable.

Finally, to expedite allowance of the application, Applicants have cancelled, without prejudice, claims 1, 22, 23 and 41.

**A. The Examiner Indicated Claims 2, 10, 25, 42 and 45 Would Be Allowable If They Were Rewritten Into Independent Form And Their Indefiniteness Was Corrected.**

The Examiner indicated that claims 2, 10, 25, 42 and 45, among others, would be allowable if: (1) rewritten into independent form to include all of the limitations of their respective base claims and intervening claims; and (2) rewritten to overcome their respective rejections under 35 U.S.C. § 112, second paragraph. Consequently, Applicants have amended claims 2, 10, 25, 42 and 45 into independent form to include all of the limitations of their respective base claims and intervening claims. Applicants have also amended these claims to overcome their respective rejections under 35 U.S.C. § 112, second paragraph.

In claims 2, 10, 25, 42 and 45, to overcome the rejections under 35 U.S.C. § 112, second paragraph, Applicants have amended the claims so they no longer recite a “plenum having a generally open facing,” but instead now recite a “plenum having an outer surface, . . . said plenum having an opening in said outer surface.” The specification gives an example of an outer surface when it discusses “outer skin” in the following sentence: “[t]he walls [of the plenum] form an outer skin of the plenum.” *Specification As Filed, p. 14, ll. 19*. Support for the opening in the outer surface of the plenum can be found in Figures 7, 8, 9a and 9b and on page 18, lines 8-15 of the specification as filed, where the specification discusses an “open facing 74,” which is an “access opening or aperture” in the walls of the plenum.

In accordance with the Examiner’s instructions, Applicants have amended claims 2, 10, 25, 42 and 45: (1) into independent form to include all of the limitations of the claims upon which they depend; and (2) to overcome their rejections under 35 U.S.C. § 112, second paragraph. Therefore, Applicants respectfully submit that independent claims 2, 10, 25, 42 and 45 are now in allowable form and a Notice of Allowance requested.

*1. Claims 3-9 Are Also Allowable Because They Depend On Independent Claim 2, Which Is Allowable.*

Applicants have amended claims 3-9 to depend on independent claim 2 and to overcome their respective rejections under 35 U.S.C. § 112, second paragraph. For instance, claim 3 has been amended from “wherein said manifolds cover” to “wherein said manifold barriers cover.” Also, claim 9 has been amended from “a piece of fabric-like sheet material” to “a piece of sheet material.” Finally, with respect to claims 6 and 9, Applicants have simply removed language from claims 6 and 9 that became redundant due to claims 6 and 9 becoming dependent on claim 2.

Because these claims: (1) depend on independent claim 2, which is allowable; and (2) have been amended to overcome their respective rejections under 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that dependent claims 3-9 are allowable. Thus, Applicants respectfully request a Notice of Allowance for claims 3-9.

*2. Claims 11-13 Are Also Allowable Because They Depend On Independent Claim 10, Which Is Allowable.*

Applicants have amended claims 11-13 to depend on independent claim 10 and to overcome their respective rejections under 35 U.S.C. § 112, second paragraph. Because these claims: (1) depend on independent claim 10, which is allowable; and (2) have been amended to overcome their respective rejections under 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that dependent claims 11-13 are allowable. Thus, Applicants respectfully request a Notice of Allowance for claims 11-13.

*3. Claims 26-27 Are Also Allowable Because They Depend On Independent Claim 25, Which Is Allowable.*

Applicants have amended claims 26-27 to depend on independent claim 25 and to overcome their respective rejections under 35 U.S.C. § 112, second paragraph. Because these claims: (1) depend on independent claim 25, which is allowable; and (2) have been amended to overcome their respective rejections under 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that dependent claims 26-27 are allowable. Thus, Applicants respectfully request a Notice of Allowance for claims 26-27.

4. *Claims 43-44 Are Also Allowable Because They Depend On Independent Claim 42, Which Is Allowable.*

Applicants have amended claims 43-44 to depend on independent claim 42 and to overcome their respective rejections under 35 U.S.C. § 112, second paragraph. For instance, claim 44 has been amended from "a piece of fabric-like sheet material" to "a piece of sheet material." Because these claims: (1) depend on independent claim 42, which is allowable; and (2) have been amended to overcome their respective rejections under 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that dependent claims 43-44 are allowable. Thus, Applicants respectfully request a Notice of Allowance for claims 43-44.

5. *Claims 46-48 Are Also Allowable Because They Depend On Independent Claim 45, Which Is Allowable.*

Applicants have amended claims 46-48 to depend on independent claim 45 and to overcome their respective rejections under 35 U.S.C. § 112, second paragraph. Because these claims: (1) depend on independent claim 45, which is allowable; and (2) have been amended to overcome their respective rejections under 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that dependent claims 46-48 are allowable. Thus, Applicants respectfully request a Notice of Allowance for claims 46-48.

**B. The 35 U.S.C. § 102 Rejections Of Independent Claims 14, 28 And 37 And The 35 U.S.C. § 103 Rejections Of Dependent Claim 32 Should Be Withdrawn Because The Cited References Fail To Teach Or Suggest All Elements Of The Rejected Claims.**

The Examiner rejected independent claims 14, 28 and 37 under 35 U.S.C. § 102(b) as being anticipated by Olson. The Examiner also rejected dependent claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Olson in view of Reimels. A claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. MPEP § 2131. Likewise, for a combination of references to establish a case of prima facie obviousness, the prior art references when combined must teach or suggest all the claim limitations. MPEP § 2142.



*1. The Anticipation Rejections Of Independent Claims 14, 28 And 37 And The Obviousness Rejection Of Dependent Claim 32 Fail Because The Cited References Do Not Teach Or Suggest The Recited "Source Of Clean Air" Or "Air Flow From The Ultra-Clean Fluid Source."*

Olson discloses a lavage/suction tip with a suction source and "an irrigant liquid source . . . for supplying irrigant liquid to the surgical site." *Olson, col. 2, ll. 45-66*. Similarly, Reimels discloses a "device [] designed to function as an aspirator as well as an irrigator," wherein "a gravity-fed fluid [i.e., liquid] is connected . . . to the . . . device to effect the irrigation function." *Reimels, col. 2, ll. 9-17*. Neither Olson nor Reimels teach or suggest a working head operably coupled to . . . a source of clean air, said working head including at least one inlet connectible to the source of clean air, as recited in independent claims 14 and 37. Likewise, neither Olson nor Reimels teach or suggest air flow from the ultra-clean fluid source, as recited in independent claim 28. For at least these reasons, the cited art fails to teach or suggest each and every element as set forth in independent claims 14, 28 and 37. Therefore, Applicants respectfully request that the rejections be withdrawn and independent claims 14, 28 and 37 be allowed.

*2. Claims 15-20 Are Also Allowable Because They Depend On Independent Claim 14, Which Is Allowable.*

Applicants have amended claims 15-20 to depend on independent claim 14 and to overcome their respective rejections under 35 U.S.C. § 112, second paragraph. For instance, Applicants have amended claim 16 so it no longer recites a "plenum that has a generally open facing," but instead now recites a "plenum having an outer surface, said plenum having an opening in said outer surface." The specification gives an example of an outer surface when it discusses "outer skin" in the following sentence: "[t]he walls [of the plenum] form an outer skin of the plenum." *Specification As Filed, p. 14, ll. 19*. Support for the opening in the outer surface of the plenum can be found in Figures 7, 8, 9a and 9b and on page 18, lines 8-15 of the specification as filed, where the specification discusses an "open facing 74," which is an "access opening or aperture" in the walls of the plenum. Finally, with respect to claim 18, Applicants have simply removed language from claim 18 that became redundant due to claim 18 becoming dependent on claim 14.

Because these claims: (1) depend on independent claim 14, which is allowable; and (2) have been amended to overcome their respective rejections under 35 U.S.C. § 112, second



paragraph, Applicants respectfully submit that dependent claims 15-20 are allowable. Thus, Applicants respectfully request a Notice of Allowance for claims 15-20.

3. *Claims 29-36 Are Also Allowable Because They Depend On Independent Claim 28, Which Is Allowable.*

Applicants have amended claims 29-36 to depend on independent claim 28. Also, Applicants have amended claims 28-36 to overcome their respective rejections under 35 U.S.C. § 112, second paragraph. For instance, Applicants have amended claim 28 so it no longer recites a “plenum having a generally open facing,” but instead now recites a “plenum having an outer surface, . . . said plenum having an opening in said outer surface.” The specification gives an example of an outer surface when it discusses “outer skin” in the following sentence: “[t]he walls [of the plenum] form an outer skin of the plenum.” *Specification As Filed, p. 14, ll. 19.* Support for the opening in the outer surface of the plenum can be found in Figures 7, 8, 9a and 9b and on page 18, lines 8-15 of the specification as filed, where the specification discusses an “open facing 74,” which is an “access opening or aperture” in the walls of the plenum. Finally, claim 32 has been amended from “a piece of fabric-like sheet material” to “a piece of sheet material.”

Because these claims: (1) depend on independent claim 28, which is allowable; and (2) have been amended to overcome their respective rejections under 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that dependent claims 29-36 are allowable. Thus, Applicants respectfully request a Notice of Allowance for claims 29-36.

4. *Claims 38-40 Are Also Allowable Because They Depend On Independent Claim 37, Which Is Allowable.*

Claims 38-40 depend on independent claim 37 and were not subject to any rejections under 35 U.S.C. § 112, second paragraph. Because claims 38-40 depend on independent claim 37, which is allowable, Applicants respectfully submit that dependent claims 38-40 are allowable. Thus, Applicants respectfully request a Notice of Allowance for claims 38-40.

**C. Claim 21 Is Now Allowable Because It Has Been Amended To Correct Its Informality And To Overcome Its Rejection Under 35 U.S.C. § 112, Second Paragraph.**

The Examiner objected to claim 21 for having the following informality: "aid source of ultra-clean air" should be changed to "said source of ultra-clean air." Applicants have amended claim 21 to make the correction.

The Examiner also rejected claim 21 under 35 U.S.C. § 112, second paragraph. To overcome this rejection, Applicants have amended the claim 21 so it no longer recites a "plenum having a generally open facing," but instead now recites a "plenum having an outer surface, . . . said plenum having an opening in said outer surface." The specification gives an example of an outer surface when it discusses "outer skin" in the following sentence: "[t]he walls [of the plenum] form an outer skin of the plenum." *Specification As Filed*, p. 14, ll. 19. Support for the opening in the outer surface of the plenum can be found in Figures 7, 8, 9a and 9b and on page 18, lines 8-15 of the specification as filed, where the specification discusses an "open facing 74," which is an "access opening or aperture" in the walls of the plenum.

Finally, Applicants amended claim 21 from "coupling said head and said source of ultra-clean air" to "coupling said head to a connection point of said source of ultra-clean air." Applicants made this amendment merely to correct the inconsistency in terms between claim 21 and its depending claim 24.

Applicants note claim 21 was not listed as being allowable, though it was not listed as being rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a). For clarity, Applicants point out that neither Olson nor Reimels teach or suggest providing a source of ultra-clean air . . . [and] coupling said head to a connection point of said source of ultra-clean air, as recited in independent claims 21. For at least this reason, Olson and Reimels fail to teach or suggest each and every element as set forth in independent claims 21. Therefore, Applicants respectfully request that independent claim 21 be allowed.

*1. Claim 24 Is Also Allowable Because It Depends On Independent Claim 21, Which Is Allowable.*

Claim 24 depends on independent claim 21 and was not subject to any rejections under 35 U.S.C. § 112, second paragraph. Claim 24 was amended merely to correct the inconsistency in terms between claim 24 and its independent claim 21. Because claim 24 depends on independent claim 21, which is allowable, Applicants respectfully submit that dependent claim 24 is allowable. Thus, Applicants respectfully request a Notice of Allowance for claim 24.

**CONCLUSION**

In accordance with the Examiner's instructions, Applicants have amended claims 2, 10, 25, 42 and 45: (1) into independent form to include all of the limitations of their respective base claims and intervening claims; and (2) to overcome their respective indefiniteness rejections. Applicants respectfully submit that these independent claims and their respective dependent claims are now allowable.

In response to the 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) rejections, Applicants have offered arguments based on limitations already existing in independent claims 14, 28 And 37, which distinguish these claims and their respective dependent claims over the cited art. All of these claims have been amended to overcome their respective indefiniteness rejections. Applicants respectfully submit that these claims are now allowable.

Applicants have amended claim 21 to correct its informality and to overcome its rejection under 35 U.S.C. § 112, second paragraph. Thus, it is respectfully submitted that independent claim 21 and its dependent claim are now allowable.

It is respectfully submitted that the application now stands in condition for allowance. Reconsideration and the Notice of Allowance are respectfully requested. The Examiner is invited to call the undersigned if doing so will help expedite the Notice of Allowance.

The amendments above have reduced the number of independent claims from 10 to nine. The amendments should generate no additional fees. However, a petition to extend the time to



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respond by one month (from January 3, 2003 to February 3, 2003) is enclosed herewith, along with a check in the amount of \$55.00.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Marked-up Version Showing Changes.**"

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: July 3, 2003

By: David E. Bruhn  
David E. Bruhn  
Reg. No. 36,762  
Suite 1500  
50 South Sixth Street  
Minneapolis, MN 55402-1498  
(612) 340-6317

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**MARKED-UP VERSION SHOWING CHANGES**

**IN THE CLAIMS**

**Please cancel, without prejudice, claims 1, 22, 23 and 41.**

**Please amend the claims as follows:**

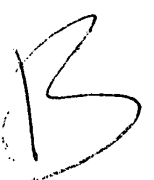
2. (Amended) An evacuation apparatus for removing gaseous byproducts or noxious vapors comprising:

a head operatively coupled to a vacuum and a fluid source, said head substantially defining a plenum having an outer surface, said plenum having an inner periphery defining a generally central opening, said plenum having an opening in said outer surface adjacent to the inner periphery; and

a plenum support for preventing the plenum from collapsing when a low pressure is established therein;

[The evacuation apparatus according to claim 1,] wherein said head is operatively coupled to said fluid source with at least one nozzle, and operatively coupled to said vacuum with at least one nozzle, wherein said at least one nozzle operatively coupled to said fluid source and said at least one nozzle operatively coupled to said vacuum are generally opposed.

3. (Twice Amended) The evacuation apparatus according to claim 2, further comprising at least a plurality of manifold barriers carried by said plenum, wherein said manifold[s] barriers cover a portion of said inner periphery adjacent to said one nozzle operatively coupled to said fluid source.



6. (Twice Amended) [An evacuation apparatus for removing gaseous byproducts or noxious vapors comprising:

a head operatively coupled to a vacuum and a fluid source, said head substantially defining a plenum, said plenum having an inner periphery defining a generally central opening, said plenum having a generally open facing adjacent to the inner periphery; wherein said head is operatively coupled to said fluid source with at least one nozzle, and operatively coupled to said vacuum with at least one nozzle, wherein said at least one nozzle operatively coupled to said fluid source and said at least one nozzle operatively coupled to said vacuum are generally opposed:

a plenum support for preventing the plenum from collapsing when a low pressure is established therein; and]

The evacuation apparatus according to claim 2, further comprising at least one baffle located in said plenum between said nozzle operatively coupled to said fluid source and said central opening.

7. (Amended) The evacuation apparatus according to claim [1] 2, wherein said fluid source supplies generally particle-free air to said head.

8. (Amended) The evacuation apparatus according to claim [1] 2, wherein a generally unidirectional, laminar airflow runs through said central opening in the general direction of said vacuum.

9. (Twice Amended) [An evacuation apparatus for removing gaseous byproducts or noxious vapors comprising:

a head operatively coupled to a vacuum and a fluid source, said head substantially defining a plenum, said plenum having an inner periphery defining a generally central opening, said plenum having a generally open facing adjacent to the inner periphery; a plenum support for preventing the plenum from collapsing when a low pressure is established therein; and]

The evacuation apparatus according to claim 2, further comprising a piece of [fabric-like] sheet material, said apparatus operably coupled to said piece of material.

10. (Amended) An evacuation apparatus for removing gaseous byproducts or noxious vapors comprising:

a head operatively coupled to a vacuum and a fluid source, said head substantially defining a plenum having an outer surface, said plenum having an inner periphery defining a generally central opening, said plenum having an opening in said outer surface adjacent to the inner periphery; and a plenum support for preventing the plenum from collapsing when a low pressure is established therein [The evacuation apparatus according to claim 1], wherein said plenum has a bottom wall, wherein said bottom wall of said plenum includes an adhesive layer for adhesive attachment of said head around a surgical site.

11. (Amended) The evacuation apparatus according to claim [1] 10, wherein said plenum is constructed of a generally non-porous material.

12. (Amended) The evacuation apparatus according to claim [1] 10, wherein said plenum support is constructed of a generally porous material.

13. (Amended) The evacuation apparatus according to claim [1] 10, wherein said fluid source supplies an inert gas through said head.

16. (Twice Amended) The medical appliance according to claim 14, wherein said working head defines a plenum having an outer surface, said plenum having an opening in said outer surface [that has a generally open facing] adjacent to an inner periphery of said [at least one] central opening of said plenum.

18. (Twice Amended) [A medical appliance comprising a working head for being positioned adjacent to a surgical site and operably coupled to a vacuum source and a source of clean air, said working head including at least one inlet connectable to the source of clean air and at least one outlet connected to the vacuum source, whereby actuation of at least the vacuum source produces an air flow of clean air adjacent to the surgical site, wherein said working head defines a plenum, said plenum having at least one central opening, wherein said plenum has a generally open facing adjacent to an inner periphery of said at least one central opening of said plenum and]

The medical appliance according to claim 16, further comprising at least one baffle located in said plenum between said at least one inlet and said at least one central opening.

21. (Twice Amended) A method for removing fumes from a workspace, comprising;  
providing the workspace;

providing a head, said head substantially defining a plenum having an outer surface, said plenum having an inner periphery defining a generally central opening, said plenum having [a generally open facing] an opening in said outer surface adjacent to the inner periphery, said plenum having a plenum support for preventing the plenum from collapsing when a low pressure is established therein;

providing a vacuum source;

providing a source of ultra-clean air;

coupling said head and said vacuum source;

coupling said head [and] to a connection point of said source of ultra-clean air; and

actuating said vacuum source and said source of ultra-clean air, whereby fumes are removed from the workspace.

24. (Twice Amended) The method according to claim [23] 21, said head further comprising a plurality of manifold barriers carried by said plenum, wherein said manifold barriers cover a portion of said inner periphery adjacent to said [fluid] connection point of said source of ultra-clean air [connection point].

25. (Twice Amended) A method for removing fumes from a workspace, comprising;

providing the workspace;

providing a head, said head substantially defining a plenum having an outer surface, said plenum having an inner periphery defining a generally central opening, said plenum having [a generally open facing] an opening in said outer surface adjacent to the inner periphery, said plenum having a plenum support for preventing the plenum from collapsing when a low pressure is established therein;

providing a vacuum source;

coupling said head and said vacuum source;

actuating said vacuum source, whereby fumes are removed from the workspace;

providing a fluid source, and operably coupling said head and said fluid source at a fluid source connection point;

actuating said fluid source to provide a flow of fluid to said head, wherein said head further comprises at least one baffle located in said plenum between said fluid source connection point and said central opening.

26. (Amended) The method of claim [23] 25, wherein at least a portion of said fluid comprises an inert gas.

27. (Amended) The method of claim [23] 25, wherein said fluid is ultra-clean air.

28. (Amended) An evacuation apparatus for removing gaseous byproducts or noxious vapors comprising:

a head operatively coupled to a vacuum and an ultra clean fluid source, said head substantially defining a plenum having an outer surface, said plenum having an inner periphery having a generally central opening defining a 360 degree arc, said plenum having [a generally open facing] an opening in said outer surface adjacent to the inner periphery so that laminar air flow from the ultra-clean fluid source and the vacuum act together to evacuate gaseous material across an area defined by the 360 degree arc; and

a plenum support for preventing the plenum from collapsing when a low pressure is established therein.

32. (Amended) The evacuation apparatus according to claim 28, further comprising a piece of [fabric-like] sheet material, said apparatus operably coupled to said piece of material.

42. (Amended) An evacuation apparatus for removing gaseous byproducts or noxious vapors comprising:

a head operatively coupled to a vacuum and an ultra-clean fluid source, said head substantially defining a plenum having an outer surface, said plenum having an inner periphery having a generally central opening surrounding a surgical site and through which the ultra clean fluid source provides a laminar air flow wherein an outflow of the ultra-clean fluid source is less than or equal to an inflow of the vacuum, said plenum having an opening in said outer surface adjacent to the inner periphery; and

a plenum support for preventing the plenum from collapsing when a low pressure is established therein,

[The evacuation apparatus according to claim 41,] wherein said head is operatively coupled to said fluid source with at least one nozzle, and operatively coupled to said vacuum with at least one nozzle, wherein said at least one nozzle operatively coupled to said fluid source and said at least one nozzle operatively coupled to said vacuum are generally opposed.

44. (Amended) The evacuation apparatus according to claim [41] 42, further comprising a piece of [fabric-like] sheet material, said apparatus operably coupled to said piece of material.

45. (Amended) An evacuation apparatus for removing gaseous byproducts or noxious vapors comprising:

a head operatively coupled to a vacuum and an ultra-clean fluid source, said head substantially defining a plenum having an outer surface, said plenum having an inner periphery having a generally central opening surrounding a surgical site and through which the ultra clean fluid source provides a laminar air flow wherein an outflow of the ultra-clean fluid source is less than or equal to an inflow of the vacuum, said plenum having an opening in said outer surface adjacent to the inner periphery; and



a plenum support for preventing the plenum from collapsing when a low pressure is established therein,

[The evacuation apparatus according to claim 41,] wherein said plenum has a bottom wall, wherein said bottom wall of said plenum includes an adhesive layer for adhesive attachment of said head around a surgical site.

46. (Amended) The evacuation apparatus according to claim [41] 45, wherein said plenum is constructed of a generally non-porous material.

47. (Amended) The evacuation apparatus according to claim [41] 45, wherein said plenum support is constructed of a generally porous material.

48. (Amended) The evacuation apparatus according to claim [41] 45, wherein said fluid source supplies an inert gas through said head.

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